

DEVELOPMENT CODE

ARTICLE 151.23 **PLANNED AREA DEVELOPMENT**

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Section 151.23.001

Definition

Planned Area Development or "PAD" shall mean a parcel of land, or contiguous parcels of land, of a size sufficient to accommodate an integrally planned environment, controlled by a single landowner, or by a group of landowners in common agreement as to the control, to be developed as a single entity, the scale and uses of which are compatible with adjacent parcels, and the intent of the zoning or districts in which the project is located. Common open space is an essential element of any PAD.

Section 151.23.002

Purpose

- A. The purpose of a PAD is to permit great design flexibility and, consequently, more creative and imaginative design for development than generally is possible under conventional zoning and subdivision regulations. It is intended that planned developments built pursuant to this section include the following objectives:
1. To ensure such developments are compatible, both in substance and location, with the goals and objectives of the comprehensive plan and/or other specific adopted area or neighborhood plans;

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2. To promote flexibility and quality in design and to permit diversification in the location, type, and uses of structures;
 3. To promote the efficient use of land by means of more economical arrangement of buildings, circulation systems, land uses, and utilities;
 4. To preserve to the greatest extent possible the existing landscape features and amenities and to encourage the harmonious combination of such features with structures and other improvements;
 5. To provide for useable and suitability located recreation facilities and other public and common facilities;
 6. To combine and coordinate architectural styles, building forms and building relationships within the PADs in concert with adjacent and surrounding land and development; and
 7. To ensure a high quality of development within the City.
- B. Deviation from specific site development standards is allowable as long as the general purposes for the standards are achieved and the general provisions of the zoning regulations are observed. The planned approach is appropriate if it maintains compatibility with the surrounding area and creates an attractive, healthful, efficient, and stable environment. It should either promote a harmonious variety of grouping of uses, or utilize the economy of shared services and facilities.

Section 151.23.003

Site Locations

A PAD for residential use may be established in all of the residential districts as provided in this Code according to the conditions set out in this Article; provided, however, that the design of the proposed PAD must be equal or superior to the design which would result under the existing conventional zoning requirements for the parcel.

PADs for other than residential use may be established in the office-professional, commercial and industrial districts as provided in this Code. If a proposed project requires rezoning, a request may be considered by the Commission concurrently with its consideration of preliminary approval of the development plan.

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Section 151.23.004

Site Development Standards

- A. Minimum Project Area. In a PAD, there shall be no minimum site size.
- B. Minimum Dimensions. The minimum lot area, width, frontage, and yard requirements otherwise applying to individual buildings in the zone in which a PAD is proposed do not apply within a PAD except as hereinafter provided.
- C. Peripheral Setbacks. Along project boundaries, the required front, side or rear yards shall be the same as those required by *Section 151.15.005* of this Code.
- D. Open Area; Landscaping. A minimum of 25 percent of the gross lot area shall be developed as permanent open space. The minimum open area of all sites shall be landscaped and permanently maintained in accordance with *Article 151.15*. Landscaping shall primarily consist of groundcover, ferns, trees, shrubs, and/or other living plants, and with sufficient permanent irrigation installation to properly maintain all vegetation. Decorative design elements such as fountains, pools, benches, sculptures, planters, and similar elements may be placed within the area. These provisions shall apply to all new projects and to an addition or remodeling of an existing structure that creates new dwelling units. The required open space shall be designed and arranged to offer the maximum benefits to the occupants of the development as well as provide visual appeal and building separation. The open area may be allocated as follows:

Private open space designated for the exclusive use of individual dwelling units such as patio areas and balconies of at least 60 square feet with a minimum dimension of 6 feet may be included as part of the required open space and be given credit for 2-square feet of required open area for each 1-square foot so provided, not to exceed 200-square feet of total open space credit for any one dwelling unit.

Required open space does not include:

- 1. Balconies. Balconies that are required for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit.
- 2. Roofed Structures. Allocated open space shall not include roofed or enclosed structures, except for open unclosed private patios or balconies.
- 3. Driveways and Parking. Open space shall not include vehicular circulation areas such as driveways, driveway easements, or open parking areas.

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- E. Building Heights. The maximum building height for all uses within any PAD shall be those heights set by the respective zoning district in which the PAD is located.
- F. Separation between Structures/Setback Requirements. To provide privacy, air, and access to the dwelling within the development, the minimum separation of structures/setbacks from property lines consistent with the applicable provisions of the International Building Code shall be maintained.
- G. Private Local Streets in a Planned Area Development. Streets in a PAD shall be developed in accordance with the provisions of *Section 151.08.003, C.*

Section 151.23.005

Project Density

- A. The density of any PAD shall not exceed the permitted density of the district within which the PAD is to be located by more than 15 percent. The density for any planned residential project shall not exceed 30 dwelling units per net acre.
- B. In order to encourage a variety of housing types and the provision of lower cost housing, a density bonus of 5 percent may be obtained in any residential development under one of the following conditions:
 - 1. In a planned residential development containing 30 or more dwelling units where there is a price variation of at least 25 percent and where at least 15 percent of said units are priced so as to be available for low or moderate income families.
 - 2. In a PAD providing substantial public benefit. Substantial public benefit shall mean the provision of public facilities that are both unusual in character and serve the needs of an area greater than the immediate development. No density bonus may be approved unless the public facilities provided are in excess of the typically required street improvements, sidewalks, bike paths and drainage facilities.

SPECIAL NOTE: In no case shall the density of a PAD exceed the permitted density of the district by more than 20 percent.

- C. If the Council finds that any of the following conditions would be created by an increase in density permitted by this section, it may either prohibit any increase in density or limit the increase in density by an amount which is sufficient to avoid the creation of any of these conditions:

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1. Inconvenient or unsafe access to the PAD.
2. Traffic congestion in the streets which adjoin the PAD.
3. An excessive burden on sewerage, water supply, parks, recreational areas, schools or other public facilities which serve, or are proposed to serve, the PAD.

The applicant shall, prior to receiving a public hearing on the preliminary plan, either: (a) adjust his plan to conform to appropriate densities; or (b) submit proposals for correction deficiencies in support facilities and services.

Section 151.23.006

Component Uses

- A. In a PAD containing 100 or more dwelling units and a minimum site area of 5 acres up to 3,000 square feet per 100 dwelling units may be used for component uses. These are private or public non- residential uses established primarily for the needs of the PAD residents. This component area may be in a separate building or incorporated within a two-family or multi-family structure. The following requirements shall be met before such component use may be incorporated:
1. The structure, if separate, shall be of an architectural design compatible with that of the dwelling units.
 2. Off-street parking and loading requirements shall be determined as appropriate to the particular case based upon the types of establishments permitted and the anticipated proportion of walk-in trade, and in accordance with *Article 151.09* of this Code.
 3. All merchandise or supplies shall be stored or displayed inside a completely enclosed building.
 4. All signs shall be of a style of construction and design compatible with the character of the PAD. Signs shall be limited to one identification sign for each point of access to the component use. The sign shall not exceed 4-square feet in area, shall not be directly lighted, shall be attached flat against the face of the building and, if illuminated, shall have internal illumination.

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Section 151.23.007

Management of Common Properties

- A. PAD shall be approved subject to the establishment by the developer of a homeowners' association or other cooperative organization responsible for the ownership and permanent care and maintenance of any common open spaces, recreational areas, and communally-owned facilities designed for the benefit of the residents of the development. An instrument approved by the City specifying the responsibility for the maintenance of any common properties shall be properly recorded with the Cochise County Recorder. The instrument shall be in the form of a deed restriction or covenant, enforceable jointly or separately, by the homeowners' association or other cooperative organization, or property owners in the site and shall;
1. Run with the land; and
 2. Provide reasonable standards for maintenance and facilities in the common area; and
 3. Provide for assessments or other payments as necessary to cover costs of maintenance, management and improvements; and
 4. Provide for a homeowners' association or other cooperative organization for administrative and management purposes.
- B. The provisions of the homeowners' association or other cooperative organization shall include, but not be limited to, the following:
1. The association or other organization shall be established prior to the sale of any dwelling unit.
 2. The association or other organization charter shall be renewed in accordance with state laws as long as the property use remains.
 3. Membership shall be mandatory for each home-buyer and successive buyer.
 4. The open space restrictions shall be initially set for a period of at least 50 years.
 5. On commonly owned property, the association or other organization shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
 6. Owners shall pay their prorated share of the expense of maintaining the common properties.

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7. The association or other organization shall be able to adjust the assessment to meet changed needs.

Section 151.23.008

Submittal Procedures

A. Process. A PAD shall be processed in four stages:

1. Conceptual Review
2. Master Plan (if the development is to be phased)
3. Preliminary Plan
4. Final Plan. The concept plan is the applicant's impression expressed graphically of the anticipated pattern of development for which a particular parcel of land and from which a preliminary or master plan is developed. The purpose of the master plan is to establish general planning and development control parameters while allowing sufficient flexibility to permit detailed planning at the time of development.

The preliminary plan shall generally specify the uses of land and layout of landscaping, circulation and buildings. The final plan is the document on which building permits and other City approvals are issued and shall require detailed engineering plan review and approval.

B. Conceptual Review.

1. This is an opportunity for applicants to discuss with the City staff the requirements, standards and policies that apply to development proposals. Major problems can be identified and solved before a formal application is presented.
2. The general outline of the proposal, evidenced schematically by sketch plans, shall be submitted by the applicant and reviewed by the City. Thereafter, the Director of Community Development shall furnish the applicant with written comments regarding appropriate recommendations to inform and assist the applicant prior to preparing the components of the PAD application.

C. Concept Plan Submittal. The following information and data is required: (A CONCEPTUAL REVIEW IS MANDATORY FOR ALL PAD DISTRICT PROPOSALS.)

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1. Data regarding site conditions, land characteristics, available community facilities and utilities, and other related general information about uses of land within ½ mile of the subject parcel of land.
2. Sketch drawing showing the proposed location of the uses of land, major streets and other significant features.

D. Master Plan

1. A master plan shall be required for any planned development which is intended to be developed in phases. The proposed master plan, together with the proposed preliminary plans for the first phase of a development, shall be submitted to the Director of Community Development and processed as preliminary plans for the first phase of development. The master plan and preliminary plan for the first phase of development shall then be considered by the Commission.
2. The master plan will be reviewed on the basis of the specific design standards and criteria contained in this section, plus its conformance to the General Plan, or any applicable parts thereof.
3. This Section allows for minor changes to a master plan to be approved administratively by the Director of Community Development. The Director shall not approve any of the following changes:
 - a. A change in the use or character of the development;
 - b. An increase in traffic circulation and public utilities;
 - c. An increase of greater than 2 percent in the approved gross leasable floor areas of office or industrial buildings; or
 - d. An increase of greater than 1 percent in the number of residential units in the proposed development.
 - e. Any changes which cannot be made by the Director of Community Development may be made only by the Commission and must follow the same review process required for approval of preliminary plans. Any changes approved in the master plan shall be recorded as amendments to the master plan.

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E. Master Plan Submittal. The following information and data is required:

1. Application forms and filing fee;
2. A master plan at an appropriate scale shall be submitted containing the following information:
 - a. Parcel size.
 - b. Existing topographical character of the land at a contour appropriate with the scale of the project; all water courses, floodplains, and unique natural features.
 - c. Existing zoning.
 - d. Maximum height of all structures.
 - e. Approximate square footage of floor area, height and types of office and industrial uses.
 - f. Approximate acreage and density (gross) of each area; number, height and type of residential units; and floor area, height and types of business and commercial uses.
 - g. Location and general nature of each land use.
 - h. Total land area and approximate location and amount of open space included in the office and industrial areas.
 - i. Approximate location of proposed and existing major streets and major pedestrian and bicycle routes, including major points of access.
 - j. Approximate location and size in acres of any public area proposed such as parks, school sites and similar public or semi-public uses.
3. Area shown on the plan shall extend beyond the property lines of the proposal to include the area within one 150 feet of the proposal, exclusive of public rights-of-way, at the same scale as the proposal and include the following:
 - a. Land uses, location of principal structure and major existing landscape features.
 - b. Densities of residential uses.

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- c. Traffic circulation system.
 - d. Natural features of the landscape.
 - e. General topographical mapping at the same scale as master plan.
4. A vicinity map of the area surrounding the site with a distance of at least 1 mile showing at least the following:
- a. Zoning districts.
 - b. Traffic circulation system.
 - c. Major public facilities.
 - d. Location of existing municipal boundary lines.
 - e. Approximate location of proposed and existing utilities to include information on the availability and implementation to be provided by each utility and municipal government.
5. The master plan shall be accompanied by:
- a. Proof of Ownership and Proof of Agency. Proof of Ownership shall consist of a copy of a title report issued not more than 30 days prior to the date of submittal by a title company authorized to conduct business in the State of Arizona. If the land is owned by a corporation, Proof of Agency shall consist of a Corporate Resolution designating the individual to act as agent. The Corporate Resolution must be certified by the secretary of the corporation and authenticated by the corporate seal or acknowledged in the form prescribed by A.R.S. 33-506.

If the land is owned by a partnership, Proof of Agency shall consist of a written document from the partners designating an individual to act as agent. The document must be certified and acknowledged in the form prescribed by A.R.S. 33-506.
 - b. A list of the names and addresses of all owners of record of real property according to the concurrent County Assessor's records within 150 feet of the property lines of the parcel of land for which the master plan is proposed, exclusive of public right-of-way.

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- c. A statement of planning objectives, including the appropriate goals, policies and objectives of the General Plan to be achieved by the proposed master plan.
- d. Other information required.
 - (1) Estimate of the number of employees for each use.
 - (2) A legal description of the site.
 - (3) The proposed ownership of public and private open space areas.
 - (4) A development phasing schedule including the sequence for each phase; approximate size in areas of each phase; and proposed phasing of construction of public improvements, recreation and common open space areas.
 - (5) Other documentation as determined by special circumstances.
 - (6) One 8½ inch X 11 inch reduction of master plan.

F. Preliminary Plan.

- 1. Upon completion of the conceptual review meeting and after the recommendation of the Director of Community Development has been made, an application for preliminary plan review may be filed with the Director of Community Development. If the project is to be developed in phases, a proposed master plan shall also be submitted. After the Director of Community Development has reviewed the application and is satisfied that sufficient information has been submitted to permit the Commission to reach a decision as to whether or not the applicable criterion of this section are met by the proposal, the matter will be placed on the agenda for the appropriate meeting of the Commission.
- 2. The Commission shall give written notice to the owners of record of all real property within 150 feet, exclusive of public right-of-way, of the property lines of the parcel of land for which the PAD is proposed. The written notices may be sent by mail at least seven days prior to the hearing date. Failure to deliver such notice shall not affect the validity of any hearing or determination by the Commission.
- 3. The Commission may recommend the plan to the Council for approval, disapproval or approval with conditions.

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G. Preliminary Plan Submittal. The following information and data is required; if not previously submitted with the master plan.

1. Application form and filing fee.
2. A list of names and addresses of all owners of record of real property within 150 feet of the property lines of the parcel of land for which the planned unit development is proposed, exclusive of public right-of-way.
3. A statement of planning objectives, including the appropriate goals, policies and objectives of the General Plan to be achieved by the proposed project.
4. Preliminary architectural elevations of all buildings sufficient to convey the basic architectural design of the proposed improvements.
5. Site Plan. A drawing of the development, at an appropriate scale, composed of one or more sheets with an outer dimension of 24 inch X 36 inch, showing the following information:
 - a. Title by which the proposed development is to be referred.
 - b. Scale, north point and date of preparation.
 - c. Parcel size in gross and net acres and square feet.
 - d. Total number, type and density per type of dwelling units per net area, if applicable.
 - e. Total bedrooms per each dwelling unit type, if applicable.
 - f. Estimated total floor area and estimated ratio of floor area to lot area, with a breakdown by land use.
 - g. Proposed coverage of buildings and structures, including the following:
 - (1) Square footage of building coverage and percentage of lot covered by same.
 - (2) Square footage of driveway and parking and percentage of lot covered by same.
 - (3) Percentage and square footage of public street right-of-way.

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- (4) Percentage and square footage of open space and/or landscaped area.
- (5) Percentage and square footage of developed "active or passive recreational use" area
- h. Number and location of off-street parking spaces, including guest, handicapped, bicycle and motorcycle parking, including typical dimensions of each.
- i. Topographic contours at 2-foot intervals.
- j. Watercourses, drainageways, and water bodies.
- k. Floodplains.
- l. Unique natural features.
- m. Location and floor area of existing buildings.
- n. Boundary of each area designated as active recreational uses.
- o. Location of common open areas and all public and semi-public land uses, including public parks, recreation areas, school sites and similar uses.
- p. Location of existing and proposed pedestrian circulation system, including inter-relationships with the vehicular circulation system indicating the proposed treatment of points of conflict.
- q. Maximum building height of all structures.
- r. The existing and proposed circulation system of arterial, collector, local streets and common access ways, including off-street parking areas, service areas, loading zones, and major points of ingress and egress of the development.
- s. Existing zoning and current land use designation from General Plan.
- t. The proposed treatment of the perimeter of the PAD, including materials and techniques used such as screens, fences, walls and other landscaping.
- u. Location type and area of all proposed signage.

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- v. Listing of specific land uses being proposed.
 - w. The existing and proposed utility facilities, including sanitary sewers, storm sewers, water, electric, gas and telephone lines, fire hydrants and trash collection areas.
8. Areas shown on the site plan shall extend beyond the property lines of the proposal to include all area and uses within 150 feet of the proposal, exclusive of public right-of-way at the same scale as the proposal and including the following:
- a. Land uses and location of principal structures.
 - b. Densities of residential uses.
 - c. Major features of landscape.
 - d. Topographic contours at 2-foot intervals.
9. Vicinity map of the area surrounding the site within a distance of at least 1-mile, showing the following:
- a. Zoning districts.
 - b. Location of existing municipal boundary lines.
 - c. Traffic circulation system.
 - d. Major public facilities (schools, parks, etc.).
10. A general landscaping plan indicating the treatment of materials used for private and common open spaces, including all existing vegetation and existing trees during and after construction. The details of size and species for intended plantings of vegetation will be required at the final plan phase.
11. Street cross-section schematics shall be referenced to adopted City standards for each general category of street, including the proposed width, treatment of curbs and gutters, sidewalk systems, and bikeway systems.
12. Soils Report: If required by the Director of Community Development, the PAD shall include a description of soils existing on the site, accompanied by an analysis prepared by a registered

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soils engineer as to the suitability of such soils for the intended construction and proposed landscaping.

The soils engineering report shall include suggestions concerning erosion control on the project site during construction as well as upon completion. The City Engineer will review the report for accuracy and make recommendations to the Director of Community Development as to the acceptability of the report.

13. Site Hydrology Report. If required by Director of Community Development, a site hydrology report shall be prepared for the PAD and shall include the following:
 - a. A map and calculations showing the drainage area and estimated run-off of the area being served by any drainage facility within the proposed grading and drainage plan.
 - b. Indication of the undeveloped peak discharge of surface water currently entering and leaving the subject property due to the 10-year design storm, adjusted to the subject drainage basin.
 - c. Indication of developed peak discharge of run-off which will be generated due to the design storm within the subject property.
 - d. Determination of the developed peak discharge of water that will be generated by the design storm at various sub-basins on the subject property.
 - e. A discussion of the drainage management facilities and/or techniques which may be necessary to rectify drainage problems.
 - f. The City Engineer will review the report for accuracy and make recommendations to the Director of Community Development as to the acceptability of the report.
14. Preliminary subdivision plat (if required).
15. Required plans:
 - a. One set each of architectural, site plan and landscape drawings.
 - b. One 8½ inch X 11 inch reduction of all plans and architectural drawings.

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16. Impact studies and other studies as the Commission may require for the full and complete consideration of the PAD.

Approval of a preliminary plan shall not constitute final approval of a final plan, rather it shall be deemed an expression of approval of the layout submitted on the preliminary plan as a guide to the preparation of the final plan.

H. Final Plan

1. Application for a final plan may be made either concurrently with the preliminary plan or after approval by the City Council of a preliminary plan.
2. The final plan shall be in substantial compliance with the approved preliminary plan. The final plan shall be deemed in substantial compliance with the preliminary plan, provided that the final plan does not:
 - a. Change the general use or character of the development.
 - b. Increase the number of residential units or gross square footage of leasable area by 1 percent.
 - c. Contain changes which would normally cause the development to be disqualified under the applicable criteria.
3. If the final plan is not in substantial compliance with the approved preliminary plan, the revisions shall require the same review and public hearing process required for approval of the preliminary plans.
4. After the Director of Community Development has reviewed the application, the matter will be placed on the agenda for the next appropriate meeting of the Commission. The Commission may recommend the plan to the City Council for approval, disapproval, or approval with conditions.

I. Final Plan Submittal. The following information and data is required:

1. Application form and filing fee.
2. Final site plan shall be submitted on 24 inch X 36 inch sheets at an appropriate scale showing the following information:

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- a. Land use data (same information as required on the preliminary site plan).
 - b. Lot lines, easements, public rights-of-way as per subdivision plat.
 - c. Exact location of all buildings and structures dimensioned on at least two sides to the nearest platted property line.
 - d. Existing and proposed streets with names.
 - e. Location of temporary sales office and/or construction facilities, including temporary signs and parking lots.
3. Final Landscape Plan, including the following:
- a. A landscape plan indicating the treatment of exterior spaces. The design objective of the plan must be clear and supported by a written statement. This plan must provide ample quantity and variety of plant species which are regarded as suitable for this climate. Plant material selection will be reviewed for adaptability to physical conditions indicated by the site plan locations. The landscape plan shall include the following:
 - (1) Proposed treatment of all ground surfaces must be clearly indicated (paving, turf, gravel, grading, etc.).
 - (2) Extent and location of all plant materials and other landscape features. Plant material must be identified by direct labeling on the plat or by a clearly understandable legend.
 - (3) Location of water outlets. If areas of planting are extensive, plans for underground sprinkler system will be required.
 - (4) No Certificate of Occupancy shall be issued for any building, or any portion of a PAD, until the required landscaping is in place or an improvement security provided per *Section 151.15.002*.
 - (5) Other requirements per *Article 151.15*.

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Section 151.23.009

Findings of Fact

Prior to approving the final plan, the Commission shall adopt specific findings-of-fact that include the following:

1. The development is compatible with and sensitive to the immediate environment of the site and neighborhood relative to density; architectural design; scale, bulk and building height; identity and historical character; disposition and orientation of buildings on the lot; and visual integrity.
2. Any conflicts that may exist between the proposed development and the surrounding land uses have been effectively mitigated in the PAD.
3. The project is designed so that the additional traffic generated does not have significant adverse impact on surrounding development, or the development has detailed plans to mitigate the adverse conditions.
4. The development is in accordance with the adopted elements of the General Plan including, but not limited to, the Traffic Circulation Plan and other adopted policies.
5. The development will be served by utilities with adequate capacity or the arrangements have been made for extension and augmentation of the following services: water supply, sanitary sewer, electricity, natural gas, and storm drainage.
6. The project complies with all design standards, requirements and specification for the following services: water supply, sanitary sewer, electricity, natural gas, storm drainage, flood hazard areas, telephone, streets/pedestrian, fire protection, cable television, and walks/bikeways.
7. The project provides adequate access for emergency vehicles and for those persons attempting to render emergency services.
8. All vehicular use areas, pedestrian circulation paths and exterior portions of buildings are provided with adequate security lighting.
9. If the project includes a water body, or other water channel, all necessary precautions have been taken to minimize any hazard to life or property.
10. If the project contains known areas of natural or geological hazard (e.g., unstable or potentially unstable slopes, flood, etc.) or soil conditions unfavorable to urban development, special

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engineering precautions have been taken to overcome those limitations or these areas have been set aside from developments.

11. The project will conform to applicable local, state and federal water quality standards including, but not limited to, erosion and sedimentation, runoff control, and prohibited solid wastes and hazardous substances.
12. The proposed land uses and activities will be conducted so that noise generated shall not exceed the minimum performance levels established herein. Detailed plans for the elimination of objectionable noises may be required before the issuance of a building permit.
13. The exterior lighting, except for overhead street lighting and warning emergency or traffic signals, is installed in such a manner that the light will be sufficiently obscured to prevent excessive glare on the public streets and walkways or into any residential area.
14. All developments will connect to the public sewer system unless granted a waiver by the City.
15. The elements of the site plan (e.g., buildings, circulation and open space area) are arranged on the site so that activities are integrated with the organizational scheme of the community and neighborhood.
16. The elements of the site plan (e.g., buildings, circulation, open space and landscaping, etc.) are designed and arranged to produce an efficient, functionally organized and cohesive PAD.
17. The design and arrangement of elements of the site plan (e.g., buildings, circulation, open space and landscaping, etc.) are in favorable relationship to the existing natural topography, natural water bodies and water course, existing desirable trees, exposure to sunlight and wind, and views.
18. The design and arrangement of elements of the site plan (e.g., building construction, orientation and placement, selection and placement of landscape materials, and/or use of renewable energy sources, etc.) contribute to the overall reduction of energy use by the project.
19. The design and arrangement of buildings, open space areas, and street and parking systems contribute to the overall quality of the site configuration.
20. The street and parking system provides for the smooth, safe, and convenient movement of vehicles both on and off the site.

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21. The development satisfies the parking capacity requirements of the City and provides adequate space suited to the loading and unloading of persons, materials and goods.
22. Each active recreational area is suitably located and accessible to the area it is intended to serve, and adequate screening is provided to ensure privacy and quiet for neighboring uses.
23. The pedestrian circulation system is designed to assure that pedestrians can move safely and easily both on the site and between properties and activities within the neighborhood and site.
24. The pedestrian circulation system incorporates design features to enhance convenience and safety across parking lots and streets including, but not limited to, paving patterns, grade differences, landscaping and lighting.
25. The landscape plan provides for treatment of vehicular use, open space and pedestrian areas which contribute to their usage and visual appearance.
26. The landscape plan provides for screening of utility boxes, parking areas, loading areas, blank walls or fences, and other areas of low-visual interest from roadways, pedestrian areas, and public view.
27. If the development is adjacent to an existing or approved public park or public open space area, provision has been made in the site plan to avoid interfering with public access to that area.
28. All signs in the project are in compliance with the provisions of *Article 151.10*.

Section 151.23.010

Significance of Approval

- A. Preliminary PAD Plan. Preliminary PAD Plan approval allows the subdivider to proceed with submittal of a Final PAD Plan. Preliminary approval is valid for a period of 12 months from date and may be extended once at the discretion of the Commission for six months from the expiration date of original approval, upon written request of the developer prior to the expiration of approval. If approval expires prior to submittal of the Final PAD Plan and improvements plans, the Preliminary PAD Plan shall be resubmitted for approval as a new case and a new fee paid.
- B. Final PAD Plan. Final PAD Plan approval, along with approval of building plans from the Director of Community Development, allows the developer to receive building permits and begin construction

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of the PAD. If no building permits have been received for the PAD development within 12 months from the final PAD approval, approval may be extended once at the discretion of the Commission for six months from the expiration date upon written request of the developer prior to expiration of approval. If approval expires prior to any building permits being received for the development, then approval shall become null and void and a new submittal shall be required.

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Building Permits

For the purpose of implementing a PAD, building permits may be issued for buildings and structures in the area covered by the approved Final PAD Plan if they are in conformity with the Final PAD Plan and with all other applicable ordinances and regulations.

1. Once a Final PAD Plan has been approved and recorded, it can be amended, changed or modified only through the procedure prescribed herein for the initial application for approval.
2. A development schedule for residential uses may be submitted as part of the project plan, and the construction and provision of all of the common open spaces and public recreational facilities which are shown on the Final PAD Plan must proceed at the same rate as the construction of dwelling units. If the Director of Community Development should find that the rate of dwelling unit construction is greater than the rate at which common open areas and public and recreational facilities are being constructed or provided, he shall notify the developer that no permits for dwelling unit construction will be issued until the rate of construction conforms to the development schedule.
3. The development schedule may provide for staged construction of the Final PAD Plan. Building permits will not be issued for any stage of the final plan unless the common open space allocated to that stage by the development schedule has been conveyed to the appropriate parties.

Section 151.23.012

Control of the Planned Area Development After Completion

The Final PAD Plan shall continue to control the PAD after it is finished and the following shall apply:

1. The Director of Community Development, in issuing a certificate of completion of the PAD, shall note the issuance of the recorded Final PAD Plan.

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2. After the certificate of completion has been issued, the use of the land and the construction, modification or alteration of a building or structure within the PAD shall be governed by the approved Final PAD Plan.
3. After the certificate of completion has been issued, no change shall be made in development contrary to the approved Final PAD Plan without approval of an amendment to the plan except as follows:
 - a. Minor modifications of existing buildings or structures may be authorized by the Director of Community Development if they are consistent with the purposes and intent of the final plan and do not increase the cubic footage of a building or structure.
 - b. A building or structure that is totally or substantially destroyed may be reconstructed without approval of an amended PAD if it is in compliance with the purpose and intent of the Final PAD Plan.
4. An amendment to a completed PAD may be approved if it is required for the continued success of the PAD, if it is appropriate because of changes in conditions that have occurred since the final development plan was approved, or because there have been changes in the development policy of the community as reflected by the comprehensive plan or related land use regulations.
5. No modification or amendment to a completed PAD is to be considered as a waiver of the covenants limiting the use of the land, buildings, structures and improvements within the area of the PAD; and all rights to enforce these covenants against any change permitted by this section are expressly reserved.